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Counsel for Defendant MOSELY

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

JOHN ANTHONY MOSELY,  
Defendant.

No. CR 05-533 SI

STIPULATION AND [PROPOSED]  
ORDER CONTINUING SENTENCING  
DATE

**STIPULATION AND [PROPOSED] ORDER**

1. Sentencing in the aforementioned matter has been previously set by this Court for June 2, 2006, at 11:00 a.m.;
2. Defense counsel has yet to meet with the Probation Department to conduct the presentence process for the following reasons; defense counsel was out of the country on her honeymoon between February 28 and March 27, 2006. Between March 27, 2006 and May 1, 2006, defense counsel has been responsible for approximately ten sentencings, two major motions and the filing of a thirty five responsive appellate brief;
3. Probation Officer Lynne Richards is unavailable for the majority of the month of May to begin the presentence process, due to previously scheduled leave and other case obligations;
4. The presentence process takes at least sixty days to complete adequately and thoroughly;

5. Counsel has reason to believe that the Guidelines on this matter are extremely high, and that it would be prejudicial to Mr. Mosely to rush and/or curtail a full presentence investigation;

6. Due to the seriousness of Mr. Mosely's situation, counsel for the defendant also wishes Mr. Mosely to have the benefit of a full year in counseling for drug-use prevention and life skills prior to sentencing;

7. By means of his signature below, government counsel Gregg Lowder indicates that he is not opposed to defense counsel's request;

8. The parties thus jointly request and agree to continue the sentencing in the aforementioned matter to Friday, September 1, 2006, at 11:00 a.m.

DATED: May 5, 2005

/S/  
ELIZABETH M. FALK  
Assistant Federal Public Defender

DATED: May 8, 2005

/S/  
GREGG LOWDER  
Assistant United States Attorney

I hereby attest that I have on file all holograph signatures for any signatures indicated by a “conformed” signature (/S/) within this e-filed document.

## ORDER

For the reasons stated by counsel, the sentencing date in the aforementioned matter of June 2, 2006 is hereby VACATED. The matter is set for sentencing on September 1, 2006 at 11:00 AM.

DATED:

  
THE HONORABLE SUSAN ILLSTON  
UNITED STATES DISTRICT COURT JUDGE

STIP & ORDER CONTINUING SENTENCING  
*United States v. Mosely*  
 CR 05- 533 SI